



Supreme Court of Georgia: Presiding Women

On June 28, 2005, the Supreme Court of Georgia held a history-making investiture ceremony at the State Capitol in Atlanta. Sworn-in at the ceremony were Georgia's new Chief Justice Leah Ward Sears and Presiding Justice Carol W. Hunstein.

Retiring Chief Justice Norman S. Fletcher welcomed an assembly of the Justices of the



Presiding Justice
Carol W. Hunstein

Supreme Court, members of the Court of Appeals, trial court judges from throughout the state, legislators, and other dignitaries to the standing-room only House Chambers.

US Supreme Court Justice Clarence Thomas came home to Georgia to witness his friend, Justice Leah Ward Sears, take the oath of office as Chief Justice. In his remarks to the crowd, Justice Thomas expressed his pleasure at Georgia's historic role of being the first state supreme court with an African-American woman as chief justice.

Justice Sears was introduced by Mr. Barnard Taylor of Alston and Bird. The oath of office was administered by Former Mayor of Atlanta

Andrew Young who appointed Justice Sears to her first judgeship on the City Court of Atlanta in 1982.

In her remarks, the new chief justice articulated goals for her term of office including continuing work on the indigent defense system, helping Georgia families prosper and succeed, and upholding the independence and integrity of the judicial branch of government.

"I am proud of the small role I have been able to play in my beloved community. I have sacrificed a little of myself for what I

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Chief Justice Leah Ward Sears takes the oath of office as her family looks on.

Drug/DUI Court Conference Held

On June 22-24, 2005, over 200 people attended the "Building and Strengthening Drug Courts in Georgia: From Infancy to Maturity." Drug/DUI Court Conference at the Marietta Conference Center.

Attendees included judges, court administrators, treatment providers,

district attorneys, and public defenders. The conference, sponsored by the Judicial Council Standing Committee on Drug Courts, was coordinated by the Legislative and Governmental Affairs Division of the Administrative Office of the Courts (AOC).

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People, Places and Events ...

In Memoriam

✱ **Mr. Michael Douglass**, Computer Network Administrator for the Court of Appeals of Georgia, died on July 12, 2005. Mr. Douglass, who worked at the Court of Appeals for ten years, was a graduate of the University of Utah and served in the US Army.

Retirements

✱ **Mr. William Scott Henwood**, Reporter of Decisions for the Supreme Court and Court of Appeals of Georgia, retired from his position on July 31, 2005. Mr. Henwood, who served as Reporter of Decisions for 24 years, has returned to private law practice.

Appointments

✱ **Judge Ralph F. Simpson**, Tifton Circuit, was sworn-in to the superior court bench on July 29, 2005, by Governor Sonny Perdue. Judge Simpson replaces the late Judge J. Harvey Davis. The cere-

mony took place in the House Chambers of the State Capitol. *See picture on page 7.*

✱ Governor Sonny Perdue announced the appointment of **Mr. Carl Wayne Bowers** to the State Court of Cobb County, Division II. Judge Bowers fills a position created by the General Assembly in 2004; his appointment will be effective October 1, 2005.



Portrait Unveiling

✱ The DeKalb County Juvenile Court honored former **Chief Judge Gregory Adams** with a portrait that will be hung in the lobby of the courthouse. The unveiling ceremony took place June 10, 2005. Now on the superior court bench, Judge Adams served as Chief Judge of the juvenile court for 10 years.

Honors

✱ **Judge Peggy Walker**, Douglas County Juvenile Court, has been named a fellow of the Leaders for the 21st Century Program by ZERO TO THREE, a childhood development group. She was also elected to the Board of Trustees of the National Council of Juvenile and Family Court Judges at its annual meeting held July 17-20 in Philadelphia.

Board of Court Reporting

✱ New members of the **Board of Court Reporting** were sworn-in on July 8, 2005. **Judge Harris Adams** of the Court of Appeals administered the oath of office



From left to right, Mr. Bill Abel, Ms. Marilyn Roe, Mr. Sam Dennis, Judge Linda Cowen, State Court of Clayton County, Ms. Kerry McFadden, and Judge Harris Adams.

Justice Melton Joins Supreme Court



For the first time in ten years, things are a little different at the Supreme Court of Georgia.

On June 23, 2005, Justice Harold D. Melton became the 92nd member of the Supreme Court of Georgia, succeeding retiring Chief Justice Norman S. Fletcher. Justice Melton's appointment represents the first change in personnel since Justice P. Harris Hines was appointed by Gov. Zell Miller in 1995.

Justice Melton was introduced to the packed audience in the House Chambers of the State Capitol by Assistant Attorney General Daniel Formby and sworn-in by Gov. Sonny Perdue.

Disability Guide for Courts

To order a copy of the Disability Guide for Courts, Contact Stephanie Chambliss, 404-656-5171 or chamblis@gaaoc.us

Judicial Council • August 24, 2005



Seated: Judge Gail Flake; Judge Doris Downs; Judge Anne Elizabeth Barnes; Chief Justice Leah Ward Sears; Presiding Justice Carol W. Hunstein; Judge Betty Cason; Judge Melinda Anderson.

Standing: Judge John Ott; Judge William H. Craig; Judge Wallace Cato; Judge Mike Bracewell; Judge Stephen Andrews; Judge Jon B. Wood; Judge Ben Studdard; Judge James McDonald; Judge Hugh Stone; Judge George Nunn; Judge Gates Peed; Chief Judge John H. Ruffin; Judge Dan Coursey; Judge William Boyett; Judge Thomas Bobbitt; Judge John Salter.

Not Pictured: Judge Philip West.

Chief Justice Sears cont.

believe in. But I'm not finished. My life still belongs to public service. And, as long as I live, I want to do whatever I can to build a better Georgia, a better America, a better world."

Presiding Justice Carol W. Hunstein was introduced by Judge Brenda Cole, State Court of Fulton County, and sworn-in by Chief Justice Fletcher. In her remarks, Justice Hunstein noted the changing role of women in the legal profession throughout the years. "While this swearing-in is an historic event for this state and this country, for me it is a reaffirmation of my faith in the rule of law and the role of the legal system in ensuring justice for all."

A reception honoring Chief Justice Sears and Presiding Justice Hunstein was held in the Capitol following the investiture. ⚖

For the full text of remarks by Chief Justice Sears and Presiding Justice Hunstein go to www.gasupreme.us

People, Places cont.

Directory Corrections

COURT OF APPEALS

Judge Harris Adams
FAX 404-656-2001

SUPERIOR COURT

Piedmont Circuit
Judge David Motes
PO Box 685
Winder, GA 30680
770-307-3032/F 307-3033

SENIOR JUDGE

State Court
Judge Ogden Doremus
912-685-6282

STATE COURT

Tift County
Judge Larry Mims
229-386-7921/F 386-7925

MAGISTRATE COURT

DeKalb County
Judge Vincent Crawford
404-373-8000

Gordon County

Add: Judge Terry L. Mathis
PO Box 1025
Calhoun, GA 30703
706-629-0461/F 602-1751

Oglethorpe County

Add: Judge Jean Turner-Horton
PO Box 356
Lexington, GA 30648
706-743-8321/F 742-3177

MUNICIPAL COURT

Hiawasee
Judge Robert Sneed
PO Box 719
Lithonia, GA 30058 ⚖

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Georgia Courts
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Culturally Competent Drug Courts

Challenges and Opportunities for an Underserved Community

By Pierluigi Mancini, Ph.D., NCAC II

Editor's Note: Dr. Mancini conducted a workshop at the recent Drug/DUI Court Conference.

Latinos are a rapidly increasing population; residentially segregated; affected by shortfalls in educational attainment; facing a new country with a new language, a new political, social, legal, financial, and educational system.

Any of these issues may cause members of this community to find themselves in front of a Drug or DUI court judge. Georgia must insure that these courts implement linguistic and culturally competent services when serving this community. The goal of providing the client with the opportunity to make positive changes in their lives and become productive members of society cannot be reached without cultural competence.

Different Backgrounds, Different Reasons

Latinos are not a homogenous community; they come from over 20 different countries and have arrived in Georgia in many different ways: some were born here; others moved from other states; some came because of political persecution or kidnapping attempts in their

country of origin; and some are involuntary immigrants — those spouses and children, who did not participate in the decision to immigrate.

The Language Barrier

Language becomes the primary barrier when serving the newly-arrived immigrant community.

Latinos who have learned how to function in both cultures will understand the judicial system concept and many will be aware of what treatment and recovery from alcohol and drugs means. For recently-

arrived immigrants drug and DUI courts must first educate the clients as to the expectations of the program in a language and in a manner they can understand.

Use of translators becomes difficult since very few, if any, behavioral health issues are addressed during court interpreter training. Untrained interpreters pose more of a risk than a benefit and utilizing family members, friends, or children is unacceptable. Lack of Spanish-speaking treatment providers is also a problem.

Other Considerations

The different patterns of immigration include those who enter as permanent residents, holding work and student visas, visitor visas and those with undocumented status.

The personal conditions affecting quality of life also differ since the socio-economic position of the members of this community greatly varies. Wealthy and middle-class Latinos identify more with the host culture than others.

Treatment Delivery

The actual treatment delivery must be affordable as well as linguistically and culturally appropriate.

Drug and DUI courts must work with state-licensed or nationally accredited programs. Many DUI offender programs are registered with the state but do not have the monitoring, evaluation or level of



**Dr. Pierluigi Mancini,
Ph.D., NCAC II**

standards of licensed or accredited programs. These standards ensure proper facilities; staff qualifications; staff training; and clinical outcomes.

Established programs must be encouraged to seek licensing and/or accreditation. Cultural competence in addiction treatment goes beyond language; it includes acculturation,

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Drug Court Conference *cont.*

Speakers

Chief Justice Leah Ward Sears spoke at the conference on June 22.

"I am thrilled to be here and to see so many people committed to a movement that

began only 10 years ago," she said. "A conference such as this is not only for those who believe in drug courts' promise as one of the most effective ways to treat drug offenders, but benefits the state as a whole."

Mr. West Huddleston, Director of the National Drug Courts Institute, told those assembled that Georgia's DUI courts have set the tone for much of the environment and thinking on DUI courts.

"The fact that you have three strong DUI courts, funded and evaluated by the National Highway

Traffic Safety Administration (NHTSA), suggests that you are viewed as a leader in the country in adapting the drug court model to DUI," he said. "Georgia has a strong cadre of judges that are known around the country. The Georgia approach is one that really resounds. It is a conservative approach with a high level of accountability that treats offenders in the community."



Judge Brenda Weaver speaks as a panel of Judge Jack Partain, Judge Jeanette Little, and Judge Kent Lawrence listen.

Legislative Action

The success of Georgia's drug courts convinced state legislators this year to appropriate \$1 million to create and continue drug courts here. In addition, Rep. Tom Knox sponsored legislation officially



Participants at the Drug Court Conference.

authorizing drug courts. Rep. Wendell Willard, Chair of the House Judiciary Committee, attended the meeting as did Rep. David Ralston.

Federal and state funding for Georgia's drug and DUI courts was secured with the assistance of the AOC. For further information, contact Associate Director Debra Nesbit, nesbitd@gaaoc.us ☎

Judicial Attendees

SUPERIOR COURT

Judge Brenda Weaver, Appalachian Circuit
 Judge Dennis Blackmon, Coweta Circuit
 Judge James Bass, Eastern Circuit
 Judge George Kreeger, Cobb Circuit
 Judge Jack Partain, Conasauga Circuit
 Judge Hulane George, Ocmulgee Circuit
 Judge William A. Fears, Towaliga Circuit

STATE COURT

Judge Gary Mikell, Bulloch County
 Judge Jerry M. Daniel, Burke County
 Judge H. Gregory Fowler, Chatham County
 Judge Kent Lawrence, Clarke County
 Judge Linda Cowen, Clayton County
 Judge Phillip C. Smith, Forsyth County
 Judge Russ McClelland, Forsyth County
 Judge Charles Wynne, Hall County
 Judge Jeannette Little, Troup County

JUVENILE COURT

Judge John Worcester-Holland, Appalachian Circuit
 Judge Juanita Stedman, Cobb Circuit

PROBATE COURT

Judge Stiles Estes, Meriwether County

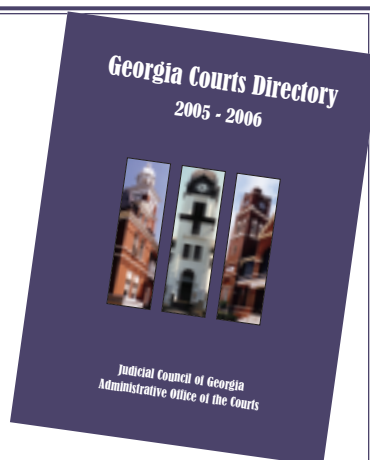
MAGISTRATE COURT

Judge Charles Auslander, Clarke County

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 Ashley Stollar, 404-656-6783.



Court of Appeals Centennial Documentary

As the 100th anniversary of the Court of Appeals nears, plans are underway for a centennial celebration which will bring attention to the Court of Appeals and the judiciary. October 3, 2006, will mark the date of ratification of the constitutional amendment that created the Court of Appeals of Georgia.

A Century of Serving Justice

Chief Judge John H. Ruffin, Jr., chair of the Centennial Celebration Committee, is enthusiastic about the events the committee will sponsor to celebrate this milestone. "Throughout 2006, the Court is planning a series of programs that will include as many people as possible," he said.

Among the festivities being discussed, the Court plans on holding oral arguments throughout the state, sponsoring an oratorical contest for students, hosting a reception to be held in October 2006 in Atlanta, having a history of the court written, and producing a documentary which will highlight the Court's history.

In the summer of 2004, the idea of a documentary first emerged.

Chief Judge Ruffin, in expectation of having the project outsourced, consulted with the Court's Technical Services Division.



Chief Judge John H. Ruffin accepts a check from Mr. Fred Smith of the Georgia Civil Justice Foundation.



Mr. Bob McAteer sets up a shot for an interview.

Mr. Bob McAteer, Court System Analyst, assured the committee he can handle the job.

Mr. McAteer has extensive experience as a filmmaker. He holds a Television/Film/Radio degree from Cal State-Long Beach. McAteer has worked on local news programs in California and Georgia. In 1995, a documentary he shot and edited was shown at the

Cannes Film Festival.

Video Production Underway

Before work could begin, a digital camera and video-editing software were purchased. "We were able to buy all the necessary equipment for less than the cost of having someone else produce the documentary," McAteer said. The first interviews for the documentary were filmed in November 2004.

With a grant close to \$30,000 awarded from the Georgia Civil Justice Foundation, production of the documentary has swung into full

gear. In addition to his daily duties for the court, McAteer has researched the court's history, uncovered historical photographs, and interviewed a number of important figures.

Among those interviewed for the project are former judges and former governors. Judge Norman Underwood, Judge John S. Bell, Judge George T. Smith, Judge Marion T. Pope, and Judge Dorothy T. Beasley; Justice Robert Benham and Justice George Carley, formerly of the Court of Appeals; and former governors Roy Barnes, Joe Frank Harris, and President Jimmy Carter have all been interviewed.

Centennial Committee

The Court of Appeals Centennial Committee is made up of current and former judges; staff of the Court of Appeals and Administrative Office of the Courts; representatives from the Governor's Office and Attorney General's Office, and selected others.

Historical Information

The Court's current members are scheduled to be interviewed in the fall. While most of the interviews have been completed, McAteer is still looking for more information and encourages anyone with photographs or stories to contact the Committee:

The Centennial Celebration
Committee

Court of Appeals of Georgia
334 State Judicial Building
Atlanta, Georgia 30334
centennial@gaappeals.us ☎

Municipal Court Feature

Mediation for “Quality of Life” Cases

The Recorder's Court of Chatham County has a new approach to “nuisance” cases. Property owners cited for trash-filled yards, abandoned vehicles, etc. are diverted to mediation, rather than the traditional misdemeanor proceedings.

As Recorder's Court Director Brian K. Hart explains, “For many years we had these cases on a separate docket, and began to notice that we were seeing the same people again and again. Judges would try to manage the case to get compliance; when that did not work, city officials complained that the court was not doing its job. It dawned on me that we were creating an adversarial environment, when it really was a problem to be solved and not a matter demanding punishment.”

The City of Savannah provided funding for the Recorder's Court to

introduce “administrative hearings” using a part-time judge. Judge Claire Cornwell-Williams who has extensive experience in dispute resolution and is a certified mediator, began hearing cases in August, 2004.

Mediation Session

Initially, when the parties appear for the hearing, the case has not been filed with the court. Instead Judge Williams explains that the hearing, to determine whether an ordinance violation has occurred, is administrative in nature. The parties may be represented by an attorney; code enforcement officials are also present. The aim is to bring the parties to a settlement in which the violator agrees to take certain steps to comply with the code and promises to refrain from future violations. Following this procedure, cases are

typically resolved after one hearing as compared to multiple hearings.

Compliance Assistance

Often if the case involves elderly home-owners who are unable to maintain their property, violators receive assistance from the city managers office. If the violation is not remedied within the specified time period set by the judge, the case is filed in the traditional manner and the party will be subject to the usual penalties for ordinance violations. “We find that most people feel they are a party to the resolution, and there is more satisfaction and more willingness to comply. We also feel they now understand the ordinance,” Mr. Hart said.

For more information contact the Recorder's Court at 912-652-7404. ☎

New Superior Court Judge Takes Oath

Judge Ralph Simpson, Tifton Judicial Circuit, takes the oath of office from Governor Sonny Perdue on July 29, 2005.



Culturally Competent Drug Courts cont.

assimilation, educational and socio-economical levels of the community being served.

We need to make sure that when clients show up for services we actually deliver those services in a linguistic and culturally appropriate manner. ☎

Pierluigi Mancini, Ph.D., NCAC II is the Executive Director of the Clinic for Education, Treatment and Prevention of Addiction, Inc. (CETPA). He can be reached at pmancini@cetpa.org

SW Atlanta Academy Choir Meets Justice Clarence Thomas

Before speaking to a standing-room only crowd in the House Chambers of the State Capitol in Atlanta, US Supreme Court Justice Clarence Thomas spent some time speaking with a smaller crowd.

The Southwest Atlanta Christian Academy choir

was given a chance to meet with the native Georgian prior to their per-

formance at the installation of Chief Justice Leah Ward Sears.

Justice Thomas spoke about

growing up around Savannah, his experiences in parochial school, and his difficulties as an African-American attorney looking for a job in Atlanta.

Justice Thomas

answered questions on politics and educational achievement. ♪



Brennan Sears Collins listens as US Supreme Court Justice Clarence Thomas answers questions from the Southwest Atlanta Christian Academy choir.

AG Opinions

UNOFFICIAL OPINIONS

Issuance of firearms license; pardoned drug offenders. A probate court may not issue a license pursuant to OCGA § 16-1-129 to a person convicted of a drug offense as described in OCGA § 16-11-129(b)(5)(A), even if that person has been pardoned. (7/7/05 No. U2005-3)

Red light camera fines; additional penalties. Additional monetary penalties provided in OCGA § 15-21-73 may not be added to the civil monetary penalties imposed pursuant to OCGA § 40-6-20. (7/12/05 No. U2005-4)

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LEAH WARD SEARS

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